



# MEMO ENDORSED

U.S. Department of Justice

United States Attorney  
Southern District of New York

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

December 19, 2007

**BY HAND**

Honorable Lewis A. Kaplan  
United States District Court  
500 Pearl Street  
Room 1310  
New York, NY 10007

Re: United States v. Anthony Davis  
07 Cr. 914 (LAK)

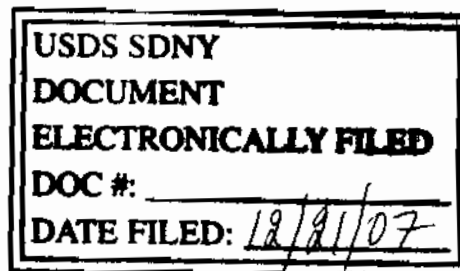
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Dear Judge Kaplan:

The Government respectfully submits this letter to request an adjournment of the conference in the above-referenced case, currently scheduled for December 20, 2007, and an exclusion of time under the Speedy Trial Act.

The Government and defense counsel have agreed upon a plea agreement in principle, and the Government is currently finalizing the drafting of that plea agreement. However, because the defendant has an out-of-state conviction, it is taking the Government additional time to investigate and accurately reflect the defendant's criminal history. For this reason, while the Government and the defendant anticipate a plea at the next court conference, such a plea cannot be finalized by tomorrow. The Parties, therefore, jointly request a brief adjournment to permit the Government to finalize the necessary plea documents and defense counsel to review such documents with his client. The Government and defendant respectfully request an adjournment of the conference until January 11, 2008, at 11:00 a.m., which I am informed by Your Honor's deputy clerk is available on the Court's calendar. Defense counsel is available to appear in Court on that date as well.

In addition, the Government respectfully requests, with defense counsel's consent, that time be excluded for purposes of the Speedy Trial Act from today through and including the date of the next scheduled court conference. The Government makes this request in order to permit the Government and defendant an opportunity to finalize a plea agreement and dispose of

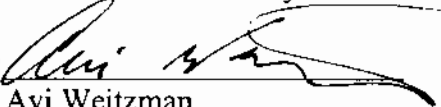


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the case short of trial. Therefore, the ends of justice served by excluding time under the Speedy Trial Act outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8).

Respectfully submitted,

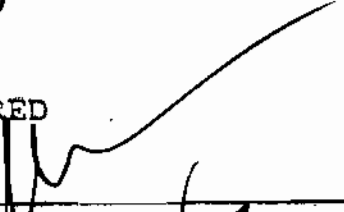
MICHAEL J. GARCIA  
United States Attorney

By:   
Avi Weitzman  
Assistant United States Attorney  
(212) 637-1205

cc: Michael Ruben, Esq.  
(by fax: 212-691-1485)

*Granted. Time  
excluded from  
for reasons above 1/11/08*

SO ORDERED

  
LEWIS A. KAPLAN, USDOJ  
*12/20/07*